

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEANDRE WITHERSPOON,

Petitioner,

Case Number: 2:13-CV-13295
HON. GERSHWIN A. DRAIN

v.

DEWAYNE BURTON,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
TO PROCEED IN FORMA PAUPERIS ON APPEAL**

This matter is presently before the Court on Petitioner Anthony Williams' Motion to Proceed In Forma Pauperis on Appeal [#13] with respect to his appeal of this Court's denial of his petition for writ of habeas corpus. The Court notes that Petitioner has attached a Certificate of Prisoner Institutional/Trust Fund Account Activity signed by the custodian at the correctional facility in which he is housed. The computer printout typically attached to such Certificate was not attached; as such, technically, Petitioner's Motion is incomplete. Even if the Court assumes that Petitioner's financial circumstances would dictate a finding of indigency, however, for the reasons set forth below, the Court concludes that Petitioner is not entitled to proceed *in forma pauperis* with respect to the present appeal. As such, the Court need not defer a decision on Petitioner's motion until such time as he provides all of the necessary financial documentation.

Federal Rule of Appellate Procedure 24(a)(1) provides that a party to a district-court action who desires to appeal *in forma pauperis* must file a motion in the district court. An appeal may not be taken *in forma pauperis* if the court determines that it is not taken in good faith. 28 U.S.C. § 1915(a)(3). "[T]he standard governing the issuance of a certificate of appealability is more demanding than the standard for determining whether an appeal is in good faith." *U.S. v. Cahill-*

Masching, 2002 WL 15701, * 3 (N.D. Ill. Jan. 4, 2002). “[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit.” *Walker v. O’Brien*, 216 F.3d 626, 631 (7th Cir. 2000). The Court finds that “a reasonable person would not suppose that the present appeal has [any] merit.”

Accordingly, IT IS ORDERED that Petitioner’s Motion to Proceed In Forma Pauperis on Appeal [#13] is DENIED.

IT IS SO ORDERED.

/s/Gershwin A Drain
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE

Dated: October 7, 2015